

# The Development of Alternative Sentences to Imprisonment in Ukraine

Lack of resources, overcrowding and ill health plague the prisons of Ukraine. Rob Canton describes a British-Ukrainian project working to develop new positive models of non-custodial penalties.

Ukraine's prisons hold some 217,400 people. At 430 prisoners for every 100,000 of the population, this is far more than any country in Western Europe and close to twice the median rate for central and eastern European countries (Walmsley, 2000). Prison conditions are often appalling, overcrowded and unsanitary, with HIV and TB rife (Stern, 1999). This puts Ukraine not only at odds with the European Convention on Human Rights (ECHR), which Ukraine, a member of the Council of Europe, is required to respect, but with the Ukrainian constitution itself.

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Ukraine's economic position is precarious. In the post-Soviet period, output fell to less than 40 per cent of the 1991 level. Recovery from the hyperinflation of the early 1990s was set back by the Russian financial crisis of 1998 and the associated loss of export revenue for Ukraine. *The World Factbook* estimates that 50 per cent of its population of nearly 50 million live below the poverty line. This state of affairs sets a context for crime patterns and criminal justice practice in the country. International investment will also be affected by Ukraine's willingness to respect international human rights conventions.

In 1997, Ukraine approached the United Kingdom for advice and assistance in developing non-custodial penalties. There was an initial visit by representatives of the Inner London Probation Service (ILPS). Subsequently, the UK Department for International Development decided to fund a criminal justice project, led by the Human Rights Law Centre, University of Nottingham a main feature of which is work on the development of alternative sentences led by a team of probation officers from ILPS.

In June 1999, a seminar in Kiev, involving representatives of the relevant Ukrainian government departments, non-governmental organisations and the British consultants, considered both the general strategy and specific proposals. A decision was taken to prepare a concept paper, setting out the challenge that confronted Ukraine and discussing possible approaches, drawing upon

the experience both of Britain, with its established system of probation and non-custodial sentences, and of transitional democracies that have had to manage problems similar to those that now confront Ukraine. An early draft was sent to Ukrainian consultants and their comments were duly incorporated. The paper is now available in Ukrainian and English.

Initial ideas presented at the Kiev seminar gradually emerged as clear proposals for demonstration projects. Two projects have now been established and have been operating for over a year. Since the prison population is a function of just two

influences – the number of people sent to prison and the length of time they serve – the projects respectively represent attempts to show the feasibility of alternative measures and the potential for developing mechanisms of early release.

The suspended sentence of imprisonment requires people to report regularly to an inspector of the Penitentiary Department and may also include additional conditions such as undergoing treatment for drug addiction. The first project involves inspectors from the Odessa region who, following training, are now using ways of working which ensure that demands are made upon offenders, who at the same time are encouraged and supported in their attempts to change and avoid offending in future.

The second project centres on the Social Rehabilitation Centre in Kharkiv, a large industrial city in the east of Ukraine. The Centre, which is managed by the city council and Ministry of the Interior, gives supervision, support and often accommodation to prisoners on release. Here the project team has also been working with local police, who hold the formal responsibility for ex-prisoners.

The training – including role-play demonstrations (especially enjoyed by the interpreters and well received by the participants!) – was delivered by the project team to staff in both areas. Drawing upon evidence of effective practice from the UK and North America, methods were introduced which emphasised the importance of a systematic approach to assessment, planning, intervention and evaluation. The inspectors have been given a straightforward

assessment form and workplan, which will help them to structure their work and will enable the inspectors and the project team to evaluate their intervention.

While the status of the offenders in the two projects differs, the principles of supervision and support to change is a characteristic of both. The projects will show what can be achieved and, it is hoped, will encourage the government and the judiciary to extend these approaches across the country and to other more serious offenders.

We have found that the staff are committed to their work and enthusiastic about the methods they are learning. As far as possible, we have tried to shape and develop their own skills and values, rather than imposing our own. In this way, we have also tried to model the approach that we feel they should be taking towards those they supervise – that you get the best out of people by working in collaboration, by treating them well and with respect. In accordance with the project's aspirations, we have emphasised the human rights aspect of the work, although here too we have tried to build upon their own commitments and the principles of the Ukrainian constitution.

Many of them have said that their work is now much more rewarding, with a stronger sense of working alongside people to good purpose rather than merely policing their conduct. The assessment form and workplan are structured to ensure that people under supervision influence the work that is done with them and accountability is mutual. This in itself is an enhancement of human rights.

Despite the eagerness of some Ukrainians to create a probation service, the emphasis of the project has been to demonstrate what can be achieved within the framework of existing institutions and law. A new criminal code was finally adopted by the Ukrainian parliament at the beginning of April and there is reason to be optimistic that this code will afford other opportunities to reduce the prison population. The new code includes a legal provision for something akin to community service, although the introduction of a scheme would need to be sensitive to the cultural and economic conditions of the country.

There has been dialogue with both sentencing judges and those responsible for early release (a judicial decision in Ukraine), although there is much more work to be done here. In these discussions, as in our general approach, the project team strives to balance optimism about the possibility of change

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with a realistic awareness of the massive challenges facing the country.

Recent events have shown again just how massive these challenges are. In what was described in its own press release as a "stormy meeting" in Paris on 5 April 2001, the Council of Europe's Parliamentary Assembly Monitoring Committee declared that it believes Ukraine has failed to honour the obligations and commitments it made when it joined the organisation in 1995 and should therefore be excluded from the Council of Europe. The sanction of expulsion has never been applied in the Council's 51-year history. The economic, political and social implications of expulsion are likely to be disastrous for Ukraine. What this would mean for our project is uncertain. Meanwhile, the staff in the projects in Ukraine strive to give expression to principles of human worth and dignity and to make their contribution to reducing the numbers of people in prison.

*The project team is: Robin Parker and Kathy Ferguson of the London Probation Area and Rob Canton, Programme Manager of the Midlands Training, Assessment and Development Consortium, working with the support and guidance of Olivia Klevan of the Human Rights Law Centre, University of Nottingham.*

#### **References:**

- Stern, V. ed. (1999), *Sentenced to Die?*, London: International Centre for Prison Studies.
- Walmsley, R. (2000) *World Prison Population List* (second edition), Home Office Research Findings No. 116, London: Home Office.